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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,894	07/24/2006	Didier Courtois	112701-735	8671

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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

EXAMINER	
MCCORMICK, MELENIE LEE	

ART UNIT	PAPER NUMBER
1655	

NOTIFICATION DATE	DELIVERY MODE
04/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No.	Applicant(s)	
	10/595,894	COURTOIS ET AL.	
	Examiner	Art Unit	
	MELENIE MCCORMICK	1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) *1,2,4-13 and 16-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,14,15 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 January 2009 has been entered.

Claims 1-19 are pending.

Claims 1, 2, 4-13 and 16-18 stand withdrawn.

Claims 3, 14-15 and 19 are presented for examination on the merits.

Declaration

The proposed Affidavit filed under 37 CFR 1.132 on 12 December 2008 is actually a Declaration, as Affidavits must be signed and sealed by a witness such as a Notary Public (See MPEP § 715.04, 604-604.06). Since the document purported to be an Affidavit complies with the requirements of 37 CFR 1.132 in all matters of form *as a Declaration*, the purported 'Affidavit' has been treated as a proper Declaration filed under 37 CFR 1.132.

Said Declaration is insufficient to overcome the rejection of claims 3, 14-15 and 19 based upon Ecochard, Fleischner, or Noel as set forth in the last Office action because: the declaration does not present evidence which would overcome the rejections.

The declaration, at page 3, argues that Ecochard fails to disclose or suggest products or composition comprising glucosamine obtained by drying fresh or raw plant materials and that Ecochard fails to disclose or suggest wherein the glucosamine is present in the products or compositions in amounts greater than 150 mg/kg dry matter. The declaration further argues that Ecochard does not recognize that surprisingly high amounts of glucosamine may be obtained when raw or fresh plant materials are dried according to the processes of the present disclosure. This reasoning, however, is not accepted. Ecochard need not recognize the presence of the glucosamine in the composition in order for the composition itself to meet the limitations of the claimed composition. Because the chicory is processed in the same manner as instantly disclosed, the product obtained by Ecochard would be expected to contain the same amount of glucosamine as the instantly claimed product.

The declaration at page 4 further argues that Ecochard is entirely directed toward the treatment of chicory powder with conditions that melt the powder so that the powder particles are agglomerated and does not disclose or suggest any methods by which the chicory powder is obtained, let alone disclose the specific processes for drying raw or fresh plant material. The declaration further summarizes the method used by Ecochard

and argues that Ecochard does not disclose products or compositions comprising glucosamine obtained by drying fresh or raw plant materials or products or compositions comprising glucosamine present in the products in amounts greater than 150 mg/kg dry matter. The declaration states that the products of Ecochard do not have the higher amounts of glucosamine, however, reasoning as to why the products would not contain this amount of glucosamine is not presented in the declaration. The declaration fails to provide evidence or convincing reasoning as to why the product taught by Ecochard could not contain at least 150 mg/kg of dry matter.

The declaration also argues that Fleischner fails to disclose or suggest products or compositions comprising glucosamine obtained by drying fresh or raw plant materials and fails to disclose or suggest wherein the glucosamine is present in the products or compositions in amounts greater than 150 mg/kg dry matter. The declaration further argues that Fleischner teaches a weight loss product containing ma huang extract, caffeine, and glucosamine sulfate but does not disclose specific processes for drying raw or fresh plant material. This is not found persuasive. Fleischner discloses a composition comprising glucosamine and it would have been obvious of one of ordinary skill in the art to optimize the amount of glucosamine in the composition since Fleischner discloses that the glucosamine is useful for weight loss and that it is present in an amount effective to aid in weight loss (see e.g. claim 1). Therefore, a person of ordinary skill in the art would have a reasonable expectation of success in optimizing the glucosamine amount. The process in which the glucosamine is made does not distinguish the glucosamine of Flieschner from the glucosamine instantly claimed. The

claims are drawn to a composition, not a process of making a composition. Based upon the teaching of Fleischner, it would have been obvious to provide glucosamine in different amounts in order to aid weight loss. Therefore, Fleischner renders obvious the instantly claimed composition.

The declaration at page 5 argues that Noel fails to disclose or suggest products or composition comprising glucosamine obtained by drying fresh or raw plant materials and that Ecochard fails to disclose or suggest wherein the glucosamine is present in the products or compositions in amounts greater than 150 mg/kg dry matter. In addition, the declaration further argues that Noel teaches a cosmetic composition comprising a cosmetic base and an amount of a mixture of chitosan, glucosamine and at least one acid selected from the group consisting of succinic acid and gluconic acid but that Noel does not disclose methods by which glucosamine is obtained. This is not found persuasive, however, as the instant claims are not drawn to a method of producing glucosamine. The instant claims are drawn to a composition comprising glucosamine in an amount greater than 150 mg/kg of dry matter. The manner in which the glucosamine is produced does not change the composition. Noel teaches a composition comprising glucosamine and it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the amount of glucosamine in the composition because Noel teaches that the ingredients of the composition (including glucosamine) are present in amounts sufficient to moisturize and improve the condition of the epidermis (see e.g. col 1, lines 27-32 and lines 46-53). Therefore, a person of ordinary skill in the art would have a reasonable expectation of success in adjusting the amount of

glucosamine in the composition taught by Noel in order to achieve a beneficial level of moisture in the skin of an individual. Because individual's skin will differ in the amount of moisturizing necessary, a person of ordinary skill in the art would have good reason to prepare compositions with various amounts of active moisturizing components, including glucosamine.

Withdrawn Rejections

The previous rejection under 35 U.S.C. 112, second paragraph has been withdrawn in light of the amendment to the claims in which the word 'about' was deleted.

New Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Higashi et al. (US 2002/0099032).

Higashi et al. teach a tablet comprising glucosamine sulfate (see e.g. [0058] example 6). Higashi further teaches that the tablet is 350 mg and that the glucosamine is present in an amount of 9.5 parts out of a total of 100 parts (i.e. 9.5%). Therefore, the glucosamine is present in an amount of 33.25 mg / 350 mg, which is 95,000 mg/kg. This is more than 150 mg/kg, as instantly claimed.

Therefore, the reference is deemed to anticipate the instant claims above.

With respect to the art rejection above, please note that "the patentability of a product does not depend upon its method of production. If the product in [a] product-by-process claim is the same as or obvious from a product of the prior art, [then] the claim is unpatentable even though the prior [art] product was made by a different process." In re Thorpe, 227 USPQ 964, 966 (Fed. Cir. 1985) (citations omitted). Once the examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289, 292 (Fed. Cir. 1983).

Maintained Rejections

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 14 and 19 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ecochard (US 6,916,622) for the reasons set forth in the previous Office Action, which are restated below.

Ecochard teaches a foodstuff which comprises a chicory powder (see e.g. col 3, lines 18-24). Ecochard further teaches that the chicory is dried (formed into a powder) by heating the chicory to a temperature of 95°C, which is below 110°C, as instantly claimed. Ecochard further teaches that this heating takes place for 90 or 600 seconds (see e.g. col 4, lines 20 and 27). This dried chicory would necessarily contain glucosamine because it was produced in the same manner as instantly disclosed (i.e. drying the chicory at a temperature below 110°C for less than 1 week). Ecochard also teaches that the powder is derived from an aqueous extract of chicory (see e.g. col 1, lines 16-17).

Although Ecochard does not explicitly teach that the foodstuff comprises glucosamine in the amount instantly claimed, a person of ordinary skill in the art would reasonably expect the composition to contain essentially the same components in the same amounts as the composition instantly claimed because it was made in the same way.

With respect to the USC 102/103 rejection above, please note that the Patent and Trademark Office is not equipped to conduct experimentation in order to determine whether Applicants' chicory composition differs and, if so, to what extent, from that of the discussed reference. Therefore, with the showing of the reference, the burden of establishing non-obviousness by objective evidence is shifted to the Applicants.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14 and 19 stand rejected under 35 U.S.C. 102(b) as obvious over by Fleischner (US 6,420,350) for the reasons set forth in the previous Office Action, which are restated below.

An orally ingestible composition, supplement or tablet comprising glucosamine in an amount greater than 150 mg/kg of dry matter is claimed.

Fleishcner teaches a supplement which comprises glucosamine (see e.g. col 3, lines 17-24 and claim 1). Fleishcner further teaches that the composition may be in form of a tablet (see e.g. col 3, line 35). Fleishcner discloses that the glucosamine is useful for weight loss and that it is present in an amount effective to aid in weight loss (see e.g. claim 1). Although Fleishcner does not necessarily teach that the glucosamine was obtained or generated from a dried plant, the composition taught by Fleishcner comprises glucosamine as instantly claimed.

Fleishcner does not explicitly teach that the glucosamine is present in the amount instantly claimed.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to prepare a composition comprising glucosamine. A person of ordinary skill in the art would have had a reasonable expectation of success in adjusting the amount of glucosamine within the composition and would have been motivated to do so in order to optimize the amount which yield the most beneficial weight loss results. A person of ordinary skill in the art would have had a reasonable expectation of success because Fleishcner discloses that the amount of glucosamine present is effective to aid in weight loss. Therefore optimization based on an individual's weight and age would be within the level of ordinary skill in the art and would be expected.

From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of

ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

Claims 14-15 stand rejected under 35 U.S.C. 103(a) as being obvious over Noel (US 5,141,964) for the reasons set forth in the previous Office Action, which are restated below.

A composition comprising glucosamine in an amount greater than 150 mg/kg of dry matter is claimed.

Noel teaches a cosmetic composition comprising glucosamine (see e.g. claim 1). Noel further teaches that the composition may be a cream, toner, body emulsion, liquid soap and dermatological bar which is intended to be applied to the skin (see e.g. claims 6 and 7). Although Noel does not necessarily teach that the glucosamine was obtained in the manner instantly claimed (by drying a plant), the composition taught by Noel comprises glucosamine as instantly claimed.

Noel does not explicitly teach that the amount of glucosamine in the composition is in the same amount as that instantly claimed.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to optimize the amount of glucosamine in the cosmetic composition taught by Noel because Noel teaches that glucosamine and the other components of the cosmetic composition moisturize the epidermis and are sufficient to moisturize and improve the condition of the epidermis (see e.g. col 1, lines 27-32 and lines 46-53). Therefore, a person of ordinary skill in the art would have a reasonable

expectation of success in adjusting the amount of glucosamine in the composition taught by Noel in order to achieve a beneficial level of moisture in the skin of an individual. Because individual's skin will differ in the amount of moisturizing necessary, a person of ordinary skill in the art would have good reason to prepare compositions with various amounts of active moisturizing components, including glucosamine.

From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

With respect to the art rejections above, please note that "the patentability of a product does not depend upon its method of production. If the product in [a] product-by-process claim is the same as or obvious from a product of the prior art, [then] the claim is unpatentable even though the prior [art] product was made by a different process." In re Thorpe, 227 USPQ 964, 966 (Fed. Cir. 1985) (citations omitted). Once the examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289, 292 (Fed. Cir. 1983).

Response to Arguments

Ecochard

Applicants argue that the Declaration demonstrates the deficiencies of the prior art with respect to the present claims. The declaration has been discussed above.

Applicants further argue that glucosamine has been found to be formed at very high amounts during a controlled drying process of the present disclosure. This may be the case, however, the instant claims are not drawn to such a method, but rather to a composition comprising a particular amount of glucosamine based upon the total weight of the composition. Therefore, although Ecochard does not disclose how the powder is obtained, there would be an expectation that the composition would contain glucosamine within the amount instantly claimed because it is processed in substantially the same manner as instantly disclosed. Applicants have summarized the instantly disclosed method and the method used by Ecochard and presented a theory as to how glucosamine is likely to be formed in the instantly disclosed method. Applicants also argue that Ecochard uses a chicory powder and the instantly claimed method uses fresh plants. Applicants have not, however, provided evidence as to why the method of Ecochard could not produce a composition with glucosamine in the instantly claimed

range. Applicants argue that Ecochard is directed toward the treatment of chicory powder with conditions that melt the powder so that the particles are agglomerated and is in contrast to the present invention, which uses fresh plants to increase to obtain an increase in levels of glucosamine. Applicants argue that the process by which the powder is formed is not disclosed and that to conclude that the powder was formed in the same drying process of the present disclosure, which involves the drying of fresh or raw plant materials, is mere speculation at best. This is not found persuasive. Applicants have not provided reasoning as to why the starting material used by Ecochard would be incapable of producing the glucosamine content claimed. Applicants have not provided convincing reasoning as to why glucosamine would not be formed in the powder used by Ecochard.

The rejection is therefore deemed proper and is maintained.

Fleischner

Applicants argue that, as supported in the Declaration, both Fleischner and Noel fail to disclose or suggest compositions comprising glucosamine obtained by drying fresh or raw plant material, as required, in part by the amended claimed. Please note that the Declaration has been discussed above. Please also note that the process by which is product is made does not distinguish the product from the prior art unless it results in a structural difference between the composition claimed and the composition

of the prior art. The instant claims are drawn to compositions comprising a particular amount of glucosamine as a percentage of the total dry weight of a composition. Fleischner teaches a composition comprising glucosamine and it would have been obvious to o0ne of ordinary skill in the art to adjust the amount of glucosamine within the composition based upon the disclosure of Fleischner that glucosamine is useful for weight loss and that it is present in an amount effective to aid in weight loss (see e.g. claim 1). Applicants argue that the skilled artisan would not have had a reasonable expectation of success in adjusting the amount of glucosamine to aid in weight loss because the skilled artisan would not have been aware of the ability to obtain high amounts of glucosamine by drying fresh or raw plant materials. This is not found persuasive. A person of ordinary skill in the art would not need to know how to obtain high amounts of glucosamine by drying fresh plants or raw plant materials in order to obtain a composition which meets the limitations of the claims. The manner in which the glucosamine is obtained does not distinguish the glucosamine itself from any glucosamine in the prior art. Therefore, a person of ordinary skill in the art would not need to understand how to obtain glucosamine from fresh or raw plant materials in order to make a composition comprising glucosamine in the amount instantly claimed. A person of ordinary skill in the art would only need to know how to obtain readily available glucosamine from, for example, a commercial source, and adjust the amount within a composition. The adjustment of the amount of glucosamine in a composition is rendered obvious by Fleischner for the reasons set forth above.

Applicants also argue that because Fleischner fails to disclose or suggest products or compositions comprising glucosamine obtained by drying fresh or raw plants or wherein the glucosamine is present in the products or compositions in amounts greater than 150 mg/kg dry matter and because the Patent Office admits that Fleischner fails to disclose or suggest each and every limitation, that the rejection under 35 U.S.C. 103 over Fleischner is improper. This reasoning is not accepted. The current rejection over Fleischner is under 35 U.S.C. 103 (a), therefore even though the invention is not identically disclosed or described as set forth in section 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains, a patent may not be obtained. The previous Office Action does not admit that Fleischner fails to suggest each and every limitation of the claims. The rejection over Fleischner states that Fleischner does not explicitly teach that the glucosamine is present in the amount instantly claimed. However, the Office Action further explains that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to prepare a composition comprising glucosamine in the amount range instantly claimed in order to provide a composition which would be beneficial for weight loss results. A person of ordinary skill in the art would have had a reasonable expectation of success because Fleischner discloses that the amount of glucosamine present is effective to aid in weight loss. Therefore optimization based on an individual's weight and age would be within the level of ordinary skill in the art and

would be expected. Therefore, there is a suggestion to adjust the amount of glucosamine in a composition such as that taught by Fleischner. As previously stated, the manner in which the glucosamine is obtained does not distinguish the glucosamine claimed from that of the prior art.

The rejection is therefore deemed proper and is maintained.

Noel

Applicants argue that the Patent Office also admits that Noel does not necessarily teach that the glucosamine was obtained in the manner instantly claimed and that Noel does not explicitly teach that the glucosamine is the same (amount) as instantly claimed. Applicants also argue that because Noel fails to disclose or suggest products or compositions comprising glucosamine obtained by drying fresh or raw plant materials or wherein the glucosamine is present in the products or compositions in amounts greater than 150 mg/kg dry matter and because the Patent Office even admits that Noel fails to disclose or suggest each and every limitation, the rejection under 35 U.S.C. 103 is improper. This is not found persuasive. Although Noel does not teach that the glucosamine was prepared in the manner instantly disclosed, the manner in which the glucosamine is prepared does not distinguish the glucosamine used in Noel from the instantly claimed glucosamine. In addition, the rejection over Noel states that Noel does not explicitly teach that the amount of glucosamine in the composition is in the same amount as that instantly claimed, however, the rejection further states that it would have

been obvious to one of ordinary skill in the art at the time the claimed invention was made to optimize the amount of glucosamine in the cosmetic composition taught by Noel because Noel teaches that glucosamine and the other components of the cosmetic composition moisturize the epidermis and are sufficient to moisturize and improve the condition of the epidermis (see e.g. col 1, lines 27-32 and lines 46-53). Therefore, a person of ordinary skill in the art would have a reasonable expectation of success in adjusting the amount of glucosamine in the composition taught by Noel in order to achieve a beneficial level of moisture in the skin of an individual. Because individual's skin will differ in the amount of moisturizing necessary, a person of ordinary skill in the art would have good reason to prepare compositions with various amounts of active moisturizing components, including glucosamine. Therefore, the instantly claimed invention is obvious in light of Noel.

The rejection is therefore deemed proper and is maintained.

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELENIE MCCORMICK whose telephone number is (571)272-8037. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia Leith/
Primary Examiner, Art Unit 1655